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10/708,494	03/08/2004	Padmanabhan Raghunandhan		2493

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EXAMINER

DISTEFANO, GREGORY A

ART UNIT	PAPER NUMBER
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2176

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03/17/2009

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/708,494	Applicant(s) RAGHUNANDHAN, PADMANABHAN	
	Examiner GREGORY A. DISTEFANO	Art Unit 2176	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 23 December 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 7, 12, 13 and 24-27 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 7, 12, 13 and 24-27 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 19 July 2007 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This action is in response to amendment filed on 12/23/2008.
2. Claims 7, 12, 13, and 24-27 are currently pending.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claims 7, 12, 13, and 27 are rejected under 35 U.S.C. 102(e) as being anticipated by Lopke (6,553,310).

5. As per claim 7, Lopke teaches the following:

selecting a telephone number corresponding to a known location, (column 6, line 65 – column 7, line 2), i.e. the location information may be provided in the form of a street address, zip code, zip+4, local area code, local telephone exchange, ordered pair of latitude and longitude values, etc.;

making a correlation between the telephone number and the known location, (column 7, lines 14-18), i.e. server 110, using search engine 112, accesses local

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database 116 as necessary to convert the location information into a useful form. For example, if the location is specified as a street address, location database 116 may be used to convert that location format into an ordered pair of latitude and longitude values;

searching at least one of the World Wide Web and a database to identify locations at which the desired services or information can be obtained, (column 7, lines 25-27), i.e. search engine 112 further uses the class of resource information to identify and retrieve the identity and location of qualifying resources listed in the resource database;

selecting at least one of the identified locations at which the desired services or information can be obtained, (column 8, lines 4-5), i.e. at step 212 resources satisfying the request and location criteria of the requestor are identified;

determining, for each selected location, a distance between the known location and the selected location, (column 8, lines 14-17), i.e. the results may also include an indication of distances to resources and confidence of match using appropriate icons, colors, highlighting, arrangement, placement, or other indicia of resource ranking; and

displaying the selected locations in order of distance between the known location and the selected location, (column 3, lines 38-40), i.e. results are displayed so as to indicate a degree to which search criteria are satisfied. Thus, resources may be listed in order of distance, travel time, proximity to route of travel, etc.

6. Regarding claim 12, Lopke teaches the method of claim 7 as described above.

Lopke further teaches the following:

determining a latitude and longitude corresponding to the telephone number, (column 6, line 65 – column 7, line 2), i.e. the location information may be provided in the form of a street address, zip code, zip+4, local area code, local telephone exchange, ordered pair of latitude and longitude values, etc , (column 7, lines 14-18), i.e. server 110, using search engine 112, accesses local database 116 as necessary to convert the location information into a useful form. For example, if the location is specified as a street address, location database 116 may be used to convert that location format into an ordered pair of latitude and longitude values.

7. Regarding claim 13, Lopke teaches the method of claim 7 as described above. Lopke further teaches the following:

the telephone number contains a telephone area code, further comprising determining a latitude and longitude corresponding to the telephone area code, (column 6, line 65 – column 7, line 2), i.e. the location information may be provided in the form of a street address, zip code, zip+4, local area code, local telephone exchange, ordered pair of latitude and longitude values, etc , (column 7, lines 14-18), i.e. server 110, using search engine 112, accesses local database 116 as necessary to convert the location information into a useful form. For example, if the location is specified as a street address, location database 116 may be used to convert that location format into an ordered pair of latitude and longitude values.

8. Regarding claim 25, Lopke teaches the method of claim 7 as described above.

Lopke further teaches the following:

a mobile device is used for selecting the telephone number corresponding to a known location, (column 6, lines 20-24), I.E. Personal digital assistance (PDA) 120 provides a mobile capability for accessing Internet 108 via mobile cellular system 126 and cellular base station network 128, the latter connecting to Internet 108 via, for example, an appropriate router.

9. Regarding claim 27, Lopke teaches the method of claim 7 as described above.

Lopke further teaches the following:

the information about a location at which desired services or information can be obtained includes information about at least one type of service available at that location and further comprising displaying, for at least one selected location, information about at least one type of service available at that location, (column 8, lines 26-29), i.e. each entry further includes a point or two of additional resource information 314 which may include a web URL address or other links to information.

Claim Rejections - 35 USC § 103

10. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

11. Claims 24 and 26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lopke as applied to claim 7 above, in view of Schultz et al. (US 2002/0002552), hereinafter Schultz.

12. As per claim 24, Lopke teaches the following:

selecting a telephone number, Zip code or airport code corresponding to a known location, (column 6, line 65 – column 7, line 2), i.e. the location information may be provided in the form of a street address, zip code, zip+4, local area code, local telephone exchange, ordered pair of latitude and longitude values, etc.;

making a correlation between the telephone number, Zip code, or airport code and the known location, (column 7, lines 14-18), i.e. server 110, using search engine 112, accesses local database 116 as necessary to convert the location information into a useful form. For example, if the location is specified as a street address, location database 116 may be used to convert that location format into an ordered pair of latitude and longitude values;

searching at least one of the World Wide Web and a database to identify locations at which the desired services or information can be obtained, (column 7, lines 25-27), i.e. search engine 112 further uses the class of resource information to identify and retrieve the identity and location of qualifying resources listed in the resource database;

selecting at least one of the identified locations at which the desired services or information can be obtained, (column 8, lines 4-5), i.e. at step 212 resources satisfying the request and location criteria of the requestor are identified;

determining, for each selected location, a distance between the known location and the selected location, (column 8, lines 14-17), i.e. the results may also include an indication of distances to resources and confidence of match using appropriate icons, colors, highlighting, arrangement, placement, or other indicia of resource ranking;

displaying the selected locations in order of distance between the known location and the selected location, (column 8, lines 14-17), i.e. the results may also include an indication of distances to resources and confidence of match using appropriate icons, colors, highlighting, arrangement, placement, or other indicia of resource ranking.

However, Lopke does not explicitly teach a method where advertisements are presented based on the known location. Schultz teaches the following:

providing advertisements based on the known location while displaying the selected locations, (abstract), i.e. the GIS based search engine can be combined with real time advertising to create a dynamic “yellow page reference”.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified the geographic search engine of Lopke with the geographic advertising method of Schultz. One of ordinary skill in the art would have been motivated to have made such modifications because both Lopke (see column 7, lines 1-5) and Schultz (see abstract) are directed to methods of internet yellow pages.

13. Regarding claim 26, Lopke teaches the method of claim 7 as described above. However, Lopke does not explicitly teach a method where advertisements are presented based on the known location. Schultz teaches the following:

providing advertisements while displaying the selected locations, the advertisements selected based upon the nature and location of the search irrespective of the current location of the mobile device, (abstract), i.e. the GIS based search engine can be combined with real time advertising to create a dynamic “yellow page reference”.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified the geographic search engine of Lopke with the geographic advertising method of Schultz. One of ordinary skill in the art would have been motivated to have made such modifications because both Lopke (see column 7, lines 1-5) and Schultz (see abstract) are directed to methods of internet yellow pages.

Response to Arguments

14. Applicant's arguments filed 12/23/2008 have been fully considered but they are not persuasive. Applicant's arguments shall be addressed in the order in which they were presented.

15. Applicant first argues on page 3 of their response that when a zip code is used as an input for locating a resource, the output will be the same for all users with the zip code.

The features upon which applicant relies (i.e., different users in the same Zip code) are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

The examiner interprets applicant's arguments to be directed to the limitations of claim 24 which read "*selecting a telephone number, Zip code or airport code corresponding to a known location*" and "*making a correlation between the telephone number, Zip code, or airport code and the known location*". While the examiner agrees that all users living within the same Zip Code will get the same results utilizing the system of Lopke, the examiner would like to point out that this is interpreted to encompass applicant's limitation. As read from applicant's claim 24, their method may take as input a Zip code and correlates that code with a known location. The "known location" of claim 24 is interpreted to be that of a latitude/longitude pair. As Lopke teaches in column 6, line 65 – column 7, line 2, their method may take a Zip code as input and teaches in column 7, lines 14-18, that their method further converts the location input to an ordered pair of latitude and longitude values.

Furthermore, as applicant's method may take simply a Zip code as input, it is unclear as to how applicant's method may present more exact location information than that of Lopke given purely a Zip code. Applicant discusses their method in pages 1— and 11, paragraph [0026] of their specification where they state "the same search could be entered in a free-format text form like conventional search engines (for e.g. users can enter "gas stations 20191" in the text box and hit "enter" on the keyboard). The

search results would start from zip code 20191, provide information about all gas stations within the zip code 20191 but in the order starting from the point of interest." Applicant never significantly explains how their method may select a point of interest given simply a Zip code and a desired service.

16. Applicant next argues on pages 3 and 4 of their response that Lopke does not utilize the entire telephone number as input.

The features upon which applicant relies (i.e., entire telephone number) are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

The examiner interprets applicant's arguments to be directed to the limitations of claim 1 which read "*selecting a telephone number corresponding to a known location*" and "*making a correlation between the telephone number and the known location*". While the examiner agrees that Lopke does not explicitly teach a method where an entire ten digit telephone number is used to select a specific position, their method does teach in column 6, line 65 – column 7, line 2, that the area code and prefix of a telephone number may be utilized to generate an input location. This interpreted to encompass applicant's "telephone number". Further support for this interpretation may be found in applicant's specification on page 12, paragraph [0030] of their specification, where they state "some countries the data for mapping of telephone number to a street

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address is not available and prohibited due to security reasons. The area code and telephone prefix is sufficient to derive the zip code.

The examiner would like to make further note that Lopke specifically states in column 6, line 65 – column 7, line 2 that a street address may be used as input. This street address would give the exact latitude longitude that the user wishes to select as their input location. It was a well known skill in the art at the time the invention was made that entire telephone numbers may be used to derive the street address of that telephone number. Support for this may be seen in the “Reverse Phone Directory” reference filed 2/22/2008 which shows several separate web pages for performing such functions. It would have been obvious to one of ordinary skill in the art at the time to have utilized such entire telephone number location searches in the location search method of Lopke. Motivation for utilizing such entire telephone number as input for location may be seen in Lopke as Lopke may use a street address as location input and a reverse phone directory uses an entire telephone number to derive a street address.

17. Applicant finally argues on pages 6 and 7 of their response the difference between Lopke and the current application where they seem to focus on Lopke's lack of use of the entire telephone number.

In response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., using the entire telephone number) are not recited in the rejected claim(s).

Although the claims are interpreted in light of the specification, limitations from the

specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

Furthermore, as described above, utilizing an entire telephone number to derive a street address was a well known skill in the art.

Conclusion

18. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

19. Any inquiry concerning this communication or earlier communications from the examiner should be directed to GREGORY A. DISTEFANO whose telephone number is (571)270-1644. The examiner can normally be reached on Monday through Friday, 9 a.m. - 5 p.m.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Doug Hutton can be reached on 571-272-4137. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/GREGORY A DISTEFANO/
Examiner, Art Unit 2176
3/12/2009

/DOUG HUTTON/
Supervisory Patent Examiner, Art Unit 2176